

IC 20-1-6

Chapter 6. Division of Special Education

IC 20-1-6-1

Definitions

Sec. 1. As used in this chapter, the following terms have the following meanings:

- (1) "Child with a disability" means any child who is at least three (3) years of age but less than twenty-two (22) years of age and who because of physical or mental disability is incapable of being educated properly and efficiently through normal classroom instruction, but who with the advantage of a special educational program may be expected to benefit from instruction in surroundings designed to further the educational, social, or economic status of the child. Public schools may operate special education programs for hearing impaired children as young as six (6) months of age on an experimental basis upon the approval of the superintendent of public instruction and the Indiana state board of education.
- (2) "Division" means the division of special education within the department of education.
- (3) "Director" means the director of the division of special education.
- (4) "School corporation" means any corporation authorized by law to establish public schools and levy taxes for the maintenance of the schools.
- (5) "Individualized education program" means a written statement developed by a group that includes:
 - (A) a representative of the school corporation or public agency responsible for educating the child;
 - (B) the child's teacher;
 - (C) the child's parent, guardian, or custodian;
 - (D) if appropriate, the child; and
 - (E) if the provision of services for a seriously emotionally disabled child is considered, a mental health professional provided by the community mental health center (as described under IC 12-29) or a managed care provider (as defined in IC 12-7-2-127(b)) and serving the community in which the child resides;and that describes the special education to be provided to the child.
- (6) "Preschool child with a disability" refers to a disabled child who is at least three (3) years of age by September 1 of the 1989-90 school year, August 1 of the 1990-91 school year, July 1 of the 1991-92 school year, or June 1 of the 1992-93 school year and every subsequent school year.
- (7) "Special education" means instruction specially designed to meet the unique needs of a child with a disability. It includes transportation, developmental, corrective, and other support services and training only when required to assist a child with

a disability to benefit from the instruction itself.

(8) "School year" has the meaning set forth in IC 20-10.1-2-1. *(Formerly: Acts 1947, c.276, s.1; Acts 1955, c.81, s.1; Acts 1969, c.395, s.1; Acts 1971, P.L.310, SEC.1.) As amended by Acts 1977, P.L.234, SEC.1; Acts 1979, P.L.130, SEC.11; P.L.20-1984, SEC.28; P.L.28-1985, SEC.51; P.L.214-1987, SEC.3; P.L.352-1989(ss), SEC.2; P.L.2-1992, SEC.691; P.L.23-1993, SEC.81; P.L.40-1994, SEC.69.*

IC 20-1-6-2 Repealed

(Repealed by P.L.1-1990, SEC.228.)

IC 20-1-6-2.1

Creation of division; powers and duties of director

Sec. 2.1. (a) There is created under the Indiana state board of education a division of special education, which shall exercise all the power and duties set out in this chapter. The governor shall appoint, upon the recommendation of the state superintendent of public instruction, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be fixed by the budget agency with the approval of the governor. The duties of the director are as follows:

(1) To have general supervision of all programs, classes, and schools, including those conducted by the public schools, the Indiana School for the Blind, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and addiction, for children with disabilities and to coordinate the work of these schools. In addition, relative to programs for preschool children with disabilities as required under section 14.1 of this chapter, the director has general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under section 14.1 of this chapter. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the Indiana state board of education, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent of public instruction and the budget agency, to appoint and fix salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the Indiana state board of

education, the following:

- (A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.
- (B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.
- (6) To make recommendations to the Indiana state board of education concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:
 - (A) The number of teacher aides recommended for each exceptionality included within the class size ranges.
 - (B) The role of the teacher aide.
 - (C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.
- (7) To cooperate with the interagency coordinating council established under IC 12-17-15 to ensure that the preschool special education programs required under section 14.1 of this chapter are consistent with the early intervention services program described in IC 12-17-15.

(b) The director or the Indiana state board of education may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

As added by P.L.1-1990, SEC.229. Amended by P.L.2-1992, SEC.692; P.L.21-1992, SEC.14; P.L.23-1993, SEC.82; P.L.40-1994, SEC.70; P.L.25-1995, SEC.63; P.L.21-1995, SEC.17; P.L.69-1999, SEC.5; P.L.215-2001, SEC.91.

IC 20-1-6-3

School corporations; powers and duties regarding instruction of children with disabilities; funding; special staff personnel

Sec. 3. (a) Every school corporation acting individually or in a joint school services program with other corporations is empowered to establish and maintain instructional facilities for the instruction of children with disabilities.

(b) A school corporation may provide transfer and transportation of children with disabilities residing in the geographical limits of the corporation to facilities for the instruction of children with disabilities which are not maintained by the school corporation.

(c) Any school corporation acting individually or in a joint school services program with other corporations may convert, build, or lease the necessary school buildings or use existing buildings for the purpose of establishing and maintaining classes of one (1) or more pupils who are residents of Indiana and who are children with disabilities.

(d) Any school corporation may provide for instruction of any child with a disability who is not able to attend the special class or school for children with disabilities. Special personnel may be employed in connection with these classes of schools, and any expenditures for these classes of schools shall be lawful expenditures for maintaining the education of children with disabilities.

(e) All nurses, therapists, doctors, psychologists, and related specialists employed under this chapter shall be registered and authorized to practice under the laws of Indiana and are subject to any additional requirements of the division.

(f) Any school corporation acting individually or in a joint school services program with other corporations may purchase special equipment needed in a class or school for children with disabilities, and any expenditures made for this special equipment are lawful expenditures for maintaining the education of children with disabilities.

(g) Children with disabilities shall receive credit for schoolwork accomplished on the same basis as normal children who do similar work.

(h) The school corporation constructing or operating a school under this chapter shall pay the operating expense for each pupil attending and shall be entitled to receive state aid for these pupils under the applicable laws. Other school corporations sending children with disabilities as students of the school shall pay tuition in accordance with sections 18.1 through 18.2 of this chapter.

(i) If the state receives funds from the federal government to aid in the operation of any school for children with disabilities, the division shall distribute among these schools the grant of federal funds which are appropriated and shall be expended for the purposes for which the funds are granted.

(j) Except as provided in section 14.1 of this chapter as it relates to preschool children with disabilities, any school or classes for children with disabilities shall be operated by the school corporation establishing the school or classes under the laws of Indiana applying to the operation of public schools and under the supervision of the division. Teachers in classes and schools for persons with disabilities shall be appointed as other public school teachers and shall possess the usual qualifications required of teachers in the public schools and in addition, any special training that the state board of education requires. The state board of education shall adopt rules under IC 4-22-2 governing the qualifications required of preschool teachers under contractual agreements entered into under section 14.1 of this chapter.

(k) Qualifications of paraprofessional personnel to be employed under this chapter are subject to a determination by the department of education. Before any type of special class organized or to be organized under this chapter is established in any school corporation or through any contractual agreement, the special class shall be submitted to and must be approved by the Indiana state board of education.

(l) The Indiana state board of education shall adopt rules under IC 4-22-2 necessary for the proper administration of this chapter.
(Formerly: Acts 1947, c.276, s.3; Acts 1955, c.81, s.2; Acts 1961, c.4, s.1; Acts 1965, c.272, s.1; Acts 1969, c.177, s.1; Acts 1971, P.L.310, SEC.2.) As amended by Acts 1977(ss), P.L.7, SEC.3; Acts 1979, P.L.130, SEC.13; P.L.20-1984, SEC.30; P.L.191-1985, SEC.1; P.L.352-1989(ss), SEC.4; P.L.23-1993, SEC.83; P.L.119-1996, SEC.2.

IC 20-1-6-3.1

Repealed

(Repealed by P.L.119-1996, SEC.27.)

IC 20-1-6-4

Federal aid; acceptance of provisions and benefits of laws

Sec. 4. The state of Indiana hereby accepts all of the provisions and benefits of all laws enacted by the Congress of the United States which provide for aid to children with disabilities, and the Indiana state board of education is hereby designated as the proper authority and is authorized to accept any federal funds appropriated for the purpose of aiding in the education of children with disabilities and the Indiana state board of education shall comply with all the requirements of federal law concerning any such federal funds relating to such special educational activities as well as with any amendments thereto or rules and regulations issued thereunder and in conformity therewith, and not inconsistent with the provisions of this chapter.

(Formerly: Acts 1947, c.276, s.4.) As amended by P.L.2-1988, SEC.431; P.L.23-1993, SEC.85.

IC 20-1-6-5

Special schools for children with disabilities; purchase, construction, or remodeling

Sec. 5. (a) The division of special education may, upon application by the governing body of a school corporation, together with proof of need, authorize school corporations to purchase, convert, remodel, or construct rooms or buildings for special schools for children with disabilities in an effort to get such schools located near the homes of the children with disabilities which it will serve.

(b) The school corporation shall pay the cost of purchase, conversion, remodeling, and construction and the cost of building equipment of any such school and may finance such conversion, remodeling, and construction as other school buildings are financed.

(c) The school corporation establishing any such school may send all its children with disabilities thereto and shall admit, so long as facilities permit, any other children with disabilities of the state who are eligible under this chapter and who are not provided with an opportunity to attend an adequate school in their own school corporation.

(Formerly: Acts 1947, c.276, s.5.) As amended by P.L.2-1988,

SEC.432; P.L.23-1993, SEC.86; P.L.25-1995, SEC.64.

IC 20-1-6-6

Repealed

(Repealed by Acts 1979, P.L.130, SEC.21.)

IC 20-1-6-7

Repealed

(Repealed by Acts 1979, P.L.130, SEC.21.)

IC 20-1-6-8

Medical responsibility for children with disabilities; eligibility for special education classes; qualifications of nurses and special therapists; responsibility of department of health

Sec. 8. (a) The medical care of the child with a disability shall be the responsibility of the physician chosen by the family or guardian to attend that child. However, no child with a disability is to be excused from attending school unless the local health officer, upon a statement of the attending physician, certifies that attendance would be injurious to the child. The educational and recreational program shall in no way alter the medical care prescribed by the proper medical authority. Eligibility for all special education classes and programs shall be determined by appropriate specialists.

(b) All nurses and special therapists in physical therapy, occupational therapy, and related medical fields shall be graduates of fully accredited training schools and shall be registered by their respective examining boards or by their respective professional associations.

(c) The medical care of needy children with disabilities is the responsibility of the state department of health and its division of services for children with special health care needs, to the extent provided by law. The personnel and facilities of the division for children with special health care needs shall be utilized at all times for the determination of policies related to the medical care of children with disabilities, for the professional supervision of all special therapists, and for individual casework as available.

(Formerly: Acts 1947, c.276, s.8; Acts 1961, c.4, s.2.) As amended by P.L.344-1989(ss), SEC.23; P.L.2-1992, SEC.693; P.L.23-1993, SEC.87.

IC 20-1-6-9

Repealed

(Repealed by Acts 1977(ss), P.L.7, SEC.9.)

IC 20-1-6-10

Appropriation for administration and field service division of special education

Sec. 10. For the administration and field service of the division of special education within the Indiana state board of education, as created in this chapter, there is hereby appropriated annually out of

the excise funds of the alcoholic beverages commission, an amount to administer the provisions of this chapter, as may be determined by the general assembly. Funds so appropriated shall be deposited into a special fund in the state treasury to be known as the "Special Education Fund," and to be administered by the state superintendent of public instruction and which shall be used for no other purposes than for the administration of the provisions of this chapter.

(Formerly: Acts 1947, c.276, s.10; Acts 1957, c.317, s.1.) As amended by Acts 1977(ss), P.L.7, SEC.4.

IC 20-1-6-11

Certain act unaffected

Sec. 11. This chapter shall not be so construed as to amend, alter, or repeal any other statute but shall be supplemental thereto.

(Formerly: Acts 1947, c.276, s.11.) As amended by P.L.2-1988, SEC.433.

IC 20-1-6-12

Religious objections to medical examinations

Sec. 12. No provision of this chapter shall be construed to require any pupil to undergo physical or medical examination or treatment, or to be compelled to receive medical instruction, if the parent or legal guardian of such pupil shall, in writing, notify the teacher or principal or other person in charge of such pupil that he objects thereto because he relies in good faith on prayer or spiritual means for the treatment of sickness or affliction; provided, however, that no objection shall be made to a physical or medical examination of a child with a physical disability for the purpose of determining whether such child shall be admitted to any class or school for children with disabilities.

(Formerly: Acts 1947, c.276, s.12.) As amended by P.L.2-1988, SEC.434; P.L.23-1993, SEC.88.

IC 20-1-6-13

Gifts and bequests; authority of school corporations to accept

Sec. 13. The board of any school corporation of this state is hereby authorized to accept, receive, and administer any gift, devise, legacy, or bequest of real or personal property, including the income from real estate, to or for the benefit of any school, dormitory, or facility for the education of children with disabilities and any of the purposes contemplated under the provisions of this chapter and not inconsistent with the provisions of this chapter or the laws of this state. The board of any school corporation is hereby authorized to invest or reinvest any of the funds received under the provisions of this section in the same kind of securities in which life insurance companies are authorized by law to invest their funds. All money received by any school corporation under the provisions of this section, and all money, proceeds, or income realized from any real estate or other investments or property, shall be kept in a special fund and shall not be commingled with any other fund or funds received

from taxation, and may be expended by the school board in any manner consistent with the purposes of this chapter and the intention of the donor or donors.

(Formerly: Acts 1947, c.276, s.13.) As amended by P.L.2-1988, SEC.435; P.L.23-1993, SEC.89.

IC 20-1-6-14

Mandatory and optional special education facilities

Sec. 14. (a) The school corporation in which a child with a disability resides is primarily responsible for providing the child with a disability with an appropriate special education program. The governing body of each school corporation shall establish and maintain the special educational facilities that are needed for:

- (1) children with disabilities residing in the school corporation; and
- (2) other children as authorized by this chapter.

However, a child with a disability may be placed under rules adopted by the Indiana state board of education in a special education program which is not established or maintained by the school corporation.

(b) Notwithstanding subsection (a), a school corporation may establish special educational facilities for children with disabilities who are:

- (1) at least nineteen (19) years of age; or
- (2) less than six (6) years of age.

(Formerly: Acts 1947, c.276, s.15; Acts 1969, c.396, s.1.) As amended by Acts 1979, P.L.130, SEC.14; P.L.20-1984, SEC.31; P.L.352-1989(ss), SEC.6; P.L.23-1993, SEC.90.

IC 20-1-6-14.1

Special education for preschool children with disabilities

Sec. 14.1. (a) The budget agency and the division shall develop a funding mechanism to provide preschool special education. Beginning with the 1991-92 school year, each school corporation shall provide each preschool child with a disability with an appropriate special education. However, this subsection is applicable only if the general assembly appropriates state funds for preschool special education.

(b) A school corporation may act individually, in a joint school services program with other school corporations as described in section 3 of this chapter, or upon approval by this division through contractual agreements entered into between a school corporation and a qualified public or private agency that serves preschool children with disabilities.

(c) The Indiana state board of education shall adopt rules under IC 4-22-2 governing the following:

- (1) The extent to which a school corporation may contract with another service provider as permitted under subsection (b).
- (2) The nature of the contracts.
- (3) The approval procedure required of the school corporation

under subsection (b).

(4) Other pertinent matters concerning these agreements.

As added by P.L.352-1989(ss), SEC.7. Amended by P.L.124-1990, SEC.1; P.L.23-1993, SEC.91.

IC 20-1-6-15

Repealed

(Repealed by Acts 1979, P.L.130, SEC.21.)

IC 20-1-6-15.1

Comprehensive plan of special education for children with disabilities

Sec. 15.1. (a) For the purposes of this section, "comprehensive plan" means a plan for educating all children with disabilities that a school corporation is required to educate under sections 14 through 14.1 of this chapter, and those additional children with disabilities that it elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind board.

(2) The Indiana School for the Deaf board.

(c) The Indiana state board of education shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent of public instruction a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 14.1 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in section 1 of this chapter, the Indiana state board of education may conduct a program for the early identification of children with disabilities, between the ages of birth and twenty-one (21), not served by the public schools or through a contractual agreement under section 14.1 of this chapter, and may utilize agencies that serve children with disabilities other than the public schools.

(e) The Indiana state board of education shall adopt rules under IC 4-22-2 requiring the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, the Indiana School for the Blind board, the Indiana School for the Deaf board, and the division of mental health and addiction to submit to the superintendent of public instruction a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The superintendent of public instruction shall furnish professional consultant services to the school corporations, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, the Indiana School

for the Blind board, the Indiana School for the Deaf board, and the division of mental health and addiction to aid them in fulfilling the requirements of this section.

As added by Acts 1979, P.L.130, SEC.15. Amended by P.L.20-1984, SEC.32; P.L.135-1988, SEC.1; P.L.352-1989(ss), SEC.8; P.L.2-1992, SEC.694; P.L.23-1993, SEC.92; P.L.40-1994, SEC.71; P.L.69-1999, SEC.6; P.L.215-2001, SEC.92.

IC 20-1-6-16

State advisory council on education of children with disabilities; membership; appointment; qualifications; powers and duties

Sec. 16. (a) The superintendent shall appoint a state advisory council on the education of children with disabilities whose duties shall consist of providing policy guidance concerning special education and related services for children with disabilities. The superintendent shall appoint at least seventeen (17) members who shall serve for a period of four (4) years. Vacancies shall be filled in like manner for the unexpired balance of the term.

(b) The members must be citizens of Indiana who are representative of the state's population and selected on the basis of their involvement in or concern with the education of children with disabilities. A majority of the members must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:
 - (A) The commissioner of the state department of health or the commissioner's designee.
 - (B) The director of the division of disability, aging, and rehabilitative services or the director's designee.
 - (C) The director of the division of mental health and addiction or the director's designee.
 - (D) The director of the division of family and children or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative of each of the following:
 - (A) The Indiana School for the Blind board.
 - (B) The Indiana School for the Deaf board.

(c) The responsibilities of the state advisory council are as follows:

- (1) To advise the superintendent and the board regarding all rules pertaining to children with disabilities.
- (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
- (3) To advise the department of unmet needs within the state in the education of children with disabilities.
- (4) To provide public comment on rules proposed by the board regarding the education of children with disabilities.
- (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
- (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
- (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(d) The council shall organize with a chairperson selected by the superintendent and meet as often as necessary to conduct the council's business at the call of the chairperson upon ten (10) days written notice but not less than four (4) times a year. Members of the council shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(e) The superintendent shall designate the director to act as executive secretary of the council and shall furnish all professional and clerical assistance necessary for the performance of its powers and duties.

(f) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

(Formerly: Acts 1947, c.276, s.17; Acts 1969, c.396, s.3.) As amended by Acts 1977, P.L.235, SEC.1; P.L.20-1984, SEC.33; P.L.352-1989(ss), SEC.9; P.L.2-1992, SEC.695; P.L.23-1993, SEC.93; P.L.4-1993, SEC.251; P.L.5-1993, SEC.264; P.L.40-1994, SEC.72; P.L.12-1998, SEC.1; P.L.69-1999, SEC.7; P.L.215-2001, SEC.93.

IC 20-1-6-17

School boards; powers and duties; diplomas or certificates of graduation to children with disabilities

Sec. 17. (a) School boards of one (1) or more school corporations establishing and maintaining educational facilities and services for children with disabilities, as described in this chapter, shall, in connection therewith, exercise similar powers and duties as are prescribed by law for the establishment, maintenance, and management of other recognized educational facilities and services. Such school boards shall include only eligible children in the

program and shall comply with all the requirements of this chapter and all rules established by the superintendent of public instruction and the Indiana state board of education.

(b) Any school corporation is authorized to issue diplomas or certificates of graduation to pupils with disabilities completing special educational programs approved by the superintendent of public instruction and the Indiana state board of education.

(Formerly: Acts 1947, c.276, s.18; Acts 1969, c.396, s.4.) As amended by P.L.20-1984, SEC.34; P.L.23-1993, SEC.94.

IC 20-1-6-18

Repealed

(Repealed by Acts 1976, P.L.101, SEC.12.)

IC 20-1-6-18.1

Transfer of children with disabilities; transportation; tuition

Sec. 18.1. If a student with legal settlement in a school corporation is transferred to attend school in another school corporation because of a disability or multiple disabilities, the transferor corporation shall:

(1) either:

(A) provide; or

(B) pay for, in the amount determined under section 18.2 of this chapter;

any transportation which is necessary or feasible, as determined under section 18.2 of this chapter and the rules adopted by the Indiana state board of education; and

(2) pay to the transferee corporation transfer tuition for the student in accordance with IC 20-8.1-6.1.

If, however, the student attends a school operated through a joint school service and supply program or other cooperative program involving the corporation of the student's legal settlement, transportation and other costs shall be made in amounts and at the times provided in the agreement or other arrangement made between the participating school corporations.

As added by Acts 1976, P.L.101, SEC.11. Amended by P.L.20-1984, SEC.35; P.L.23-1993, SEC.95; P.L.119-1996, SEC.3.

IC 20-1-6-18.2

Transportation for individualized education program; rules on limitations; liability for cost

Sec. 18.2. (a) The Indiana state board of education shall adopt rules under IC 4-22-2 which establish limitations on the amount of transportation which may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules shall limit the transportation required by the student's individualized education program to his first entrance and final departure each school year plus round trip transportation each school holiday period and two (2) additional

round trips each school year.

(b) Whenever a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

(1) The quotient of the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends divided by the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) Whenever a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability, aging, and rehabilitative services; or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education program.

(d) Whenever a student is placed in a private facility under section 19 of this chapter in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education program.

As added by Acts 1979, P.L.130, SEC.16. Amended by P.L.20-1984, SEC.36; P.L.2-1992, SEC.696; P.L.4-1993, SEC.252; P.L.5-1993, SEC.265; P.L.36-1994, SEC.25; P.L.119-1996, SEC.4; P.L.69-1999, SEC.8; P.L.215-2001, SEC.94.

IC 20-1-6-19

Contracts for services; payment of costs; adoption of rules

Sec. 19. (a) The superintendent of public instruction is authorized

to contract with in or out-of-state public and private schools, state agencies, or child caring institutions (as defined in IC 12-7-2-29(1)) to pay, with any funds appropriated for this purpose, the excess costs of educating children of school age who have been identified as eligible for special education services and whose disability is of such intensity as to preclude achievement in the existing local public school setting. The state shall pay the costs of the services that exceed the regular cost of educating children of the same age and grade level in the child's school corporation. The local school corporation shall pay the share of the total tuition cost that is the regular per capita cost of general education in that school corporation.

(b) Local school boards shall pay their share of the total tuition costs for children with disabilities served under this section. The Indiana state board of education shall adopt rules under IC 4-22-2 necessary to implement this section.

(Formerly: Acts 1947, c.276, s.20; Acts 1969, c.406, s.1.) As amended by Acts 1978, P.L.107, SEC.1; P.L.20-1984, SEC.37; P.L.214-1987, SEC.4; P.L.154-1991, SEC.1; P.L.2-1992, SEC.697; P.L.23-1993, SEC.96.

IC 20-1-6-20

Special education cooperatives

Sec. 20. (a) As used in this section, the following terms shall have the following meanings:

- (1) "Special education cooperative" means a department, school, or school corporation established, maintained, and supervised for the education of children with disabilities in accordance with this section.
- (2) "Participating school corporation" means any local public school corporation established under the laws of the state of Indiana which cooperates with other such corporation or corporations in a special education cooperative.
- (3) "Governing body" of a participating school corporation means the board or commission charged by law with the responsibility of administering the affairs of such school corporation, but in the case of a school township shall mean its trustee and township board.
- (4) "Board of managers" means the board or commission charged with the responsibility of administering the affairs of a special education cooperative.
- (5) "Agreement" means an identical resolution adopted by the governing body of each participating school corporation, or an agreement approved by each such governing body, providing for a special education cooperative.
- (6) "Assessed valuation" of a participating school corporation for any school year shall mean the net assessed valuation of such school corporation for the immediately preceding March 1, adjusted in the same manner as any adjustment is made in determining the amount of state distribution for school support.

(7) "Percentage share" of a participating school corporation is the percent which its assessed valuation bears to the total assessed valuation of all the participating schools joining in an agreement.

(b) Two (2) or more participating school corporations may form a special education cooperative in accordance with the provisions of either subsection (g) or (h), but subject to the limitations of this subsection, by adopting an agreement which shall contain the following provisions:

(1) A plan for the organization, administration, and support for such special education cooperative, including the establishment of a board of managers.

(2) The commencement date of the establishment of such cooperative, which shall be contemporaneous with the beginning of a school year.

(3) The extension of such special education cooperative for a minimum of five (5) school years, a provision that such cooperative will extend from school year to school year thereafter unless canceled by action of the governing bodies of a majority of the participating school corporations, taken at least one (1) year prior to the termination of the agreement.

During the term of such agreement, it may be modified by unanimous consent of all the participating school corporations. Such agreement may include an agreement to acquire sites, buildings, and equipment therefor by purchase, by lease from any of the participating school corporations for the term of the agreement, or by lease under the provisions of IC 21-5-11 or IC 21-5-12. The agreement may include an agreement to repair, equip, and maintain school buildings and equipment and an agreement that participating school corporations may use funds from their respective capital projects fund to pay for those costs or for any other purposes authorized under IC 21-2-15. The amount of money used from a participating school corporation's cumulative building fund or capital projects fund is to be determined by agreement among the participating school corporations. The cost of the special education cooperative for each school year shall be borne by the participating school corporations in accordance with the terms of their agreement. Agreements for the payment of the cost of the special education cooperative may establish a formula for payments which meet the needs of the school corporations or may base payments on a percentage share formula. Upon the termination of the agreement, the participating school corporations shall be liable for their respective portions of any long term lease or other long term obligations in the same annual portions as are provided in the agreement as though the agreement had not been terminated, unless the terms under which such obligations were set up otherwise provide. A special education cooperative has the authority to employ teachers and issue teaching contracts in accordance with all the provisions for public teaching contracts. Any teacher who has taught or is teaching in a participating school corporation who became or becomes a teacher in the special education cooperative shall retain

semipermanent, permanent, or nonpermanent status in such participating school corporation, to the same extent as if he had continued teaching in the participating school corporation, and his employment may be terminated solely by the board of managers of the special education cooperative.

(c) A teacher who:

(1) is employed by a special education cooperative; and

(2) previously taught in a participating school corporation;

retains all rights and privileges under IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6 to the same extent as if the teacher had continued teaching in the participating school corporation.

(d) A teacher who:

(1) is employed by a special education cooperative; and

(2) does not have existing years of service in any of the participating school corporations;

shall be considered to be employed by the special education cooperative and is entitled to the same rights and privileges under IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6 as if the teacher were employed by a school corporation.

(e) If a teacher loses the teacher's job in a special education cooperative due to:

(1) a reduction in services of;

(2) a reorganization of;

(3) the discontinuance of; or

(4) a withdrawal in whole or in part of a participating school corporation from;

the special education cooperative, the teacher shall be added to the recall list of laid off teachers that is maintained by the participating school corporations, and the teacher shall be employed under the terms of the recall provisions of the participating school corporations for a special education job opening that occurs in any of the participating school corporations. In addition and during the time the former special education cooperative teacher is entitled to remain on the recall list, all teachers in the participating school corporation other than the former special education cooperative teacher retain all rights and privileges for job openings for which the other teachers are qualified and as granted by the collective bargaining agreement in effect at the participating school corporation or, if no provisions of a collective bargaining agreement govern the rights and privileges, by the policy of the governing body, including provisions governing layoffs and recall.

(f) If:

(1) a teacher loses the teacher's job in a special education cooperative due to:

(A) a reduction in services of;

(B) a reorganization of;

(C) the discontinuance of; or

(D) a withdrawal in whole or in part of a participating school corporation from;

the special education cooperative; and

(2) the teacher is employed by a participating school corporation as described in subsection (e); the teacher retains the rights and privileges under IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6 that the teacher held at the time the teacher lost the job in the special education cooperative as described in subdivision (1).

(g) A special education cooperative may either be attached to a participating school corporation which shall have responsibility for administrative and financial controls, or it may establish a separate treasury with separate accounts. When a special education cooperative is not attached to a participating school corporation, it shall comply with the state board of accounts' approved forms and rules for fiscal accountability and be subject to audit by the state board of accounts. A special education cooperative may be operated and managed and its budget determined by a board of managers. The board of managers consists of one (1) designated member from each participating school corporation. The particular designated member from a participating school corporation must be:

- (1) the president (or trustee in the case of a school township) of the governing body of a participating school corporation;
- (2) any fellow member of such governing body whom such president or trustee may designate;
- (3) the superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of a participating school corporation; or
- (4) an assistant superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of a participating school corporation.

Such designated member may be changed by the president or trustee at any time. Meetings of the board of managers shall be held in accordance with the provisions of IC 20-5-3-2.

(h) The special education cooperative may be organized in accordance with IC 20-5-11 or IC 36-1-7.

(Formerly: Acts 1971, P.L.311, SEC.1.) As amended by Acts 1978, P.L.108, SEC.1; Acts 1981, P.L.189, SEC.1; Acts 1982, P.L.48, SEC.2; P.L.109-1984, SEC.1; P.L.8-1987, SEC.39; P.L.216-1987, SEC.1; P.L.23-1993, SEC.97; P.L.41-1993, SEC.33; P.L.1-1994, SEC.93; P.L.36-1994, SEC.26; P.L.104-1994, SEC.1; P.L.2-1995, SEC.74.

IC 20-1-6-21

Special education cooperatives; teachers; loss of job because of reduction in services or discontinuance of cooperative

Sec. 21. A teacher who has not retained a status as a semipermanent, permanent, or nonpermanent teacher with a participating school and loses his job in a special education cooperative because of a reduction in services or discontinuance of the cooperative shall be considered for any job opening for which the

teacher is qualified that occurs in any of the participating school corporations in the school year immediately following the reduction in services or discontinuance of the cooperative. A teacher employed under this section has the same rights and privileges as teachers employed under IC 20-5-11-3.5 and IC 20-5-11-3.6.

As added by P.L.110-1984, SEC.1.

IC 20-1-6-22

Notice of preschool children with disabilities

Sec. 22. Before February 1 in each calendar year, a division of family and children supported program for preschool children with disabilities shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

As added by P.L.28-1985, SEC.52. Amended by P.L.2-1992, SEC.698; P.L.23-1993, SEC.98.

IC 20-1-6-23

Repealed

(Repealed by P.L.22-1991, SEC.9.)

IC 20-1-6-24

Repealed

(Repealed by P.L.2-1998, SEC.91.)